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OFFICE OF THE  
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February 20, 2001

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David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Re: Proceeding to Establish "Permanent Prices" for Interconnection  
and Unbundled Network Elements  
Docket No. 97-01262

Dear David:

Enclosed are the original and thirteen copies of a Motion for Enforcement of TRA Order in the above-captioned proceeding filed on behalf of the Southeastern Competitive Carriers Association (SECCA).

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:



Henry Walker

HW/nl  
Enclosure  
cc: Parties of Record

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE: Petition to Convene a Contested       )  
Case Proceeding to Establish "Permanent       )  
Prices" for Interconnection and Unbundled       ) DOCKET NO. 97-01262  
Network Elements

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**MOTION FOR ENFORCEMENT OF TRA ORDER**

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On behalf of its members, the Southeastern Competitive Carriers Association ("SECCA") requests that the Tennessee Regulatory Authority ("TRA") take immediate action to enforce the agency's decision announced on December 19, 2000. On that date, the Directors issued a decision requiring BellSouth to submit final rates, terms and conditions for interconnection services and unbundled network elements ("UNEs") and to "file tariffs...reflecting these decisions and previous orders in this docket and containing the UNE rates approved by the Authority, as well as the terms and conditions applicable for each UNE." Tr. at 36 (emphasis added).

On January 18, 2001, BellSouth-- instead of filing tariffs-- submitted the company's current standard interconnection agreement containing the revised UNE rates. In a document styled, "Filing in Response to Action Taken at December 19, 2000 Director's Conference," BellSouth stated that "a traditional tariff could be confusing, would be difficult for the Authority and BellSouth to administer, and is unnecessary."

Because BellSouth refused to obey the agency's order, there is no tariff now in effect containing the UNE rates approved by the Authority. Claiming that there is not yet a final written order of the Authority approving the final rates, BellSouth has refused to make these rates

available to competing carriers.<sup>1</sup> If, on the other hand, BellSouth had filed tariffs and if the tariffs were now in effect, BellSouth could not have refused to provide service pursuant to those tariffs.

No one has questioned the TRA's legal power to order BellSouth to file tariffs containing UNE rates.<sup>2</sup> BellSouth argues only that such a filing would be "confusing" and "unnecessary." To the contrary, such a filing is necessary in order to insure that the new rates are available immediately on a non-discriminatory basis to all requesting carriers.

Had BellSouth done as the agency instructed, the new UNE tariffs would presumably have been filed on January 18 and would have become effective shortly thereafter. Therefore, SECCA asks that the TRA, once again, direct BellSouth to file tariffs containing the UNE rates and that the tariffs be made effective retroactively to January 18, 2001. In this case, retroactive application of the tariffs would be consistent with the intent of the TRA's December order and would insure that BellSouth does not receive any financial gain from company's refusal to comply with the TRA's order.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 

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<sup>1</sup> See attached affidavit.

<sup>2</sup> See T.C.A. §65-5-202.

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been hand delivered or mailed to the following persons on this the 14 day of February, 2001.

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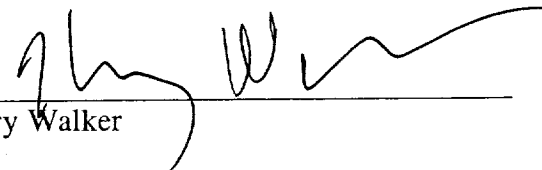
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Henry Walker

## AFFIDAVIT

My name is J. Rodney Page, Vice President-Marketing and Strategic Development at Access Integrated Networks, Inc. My company is licensed as a CLEC in Tennessee and wishes to interconnect with BellSouth under the terms and conditions spelled out in the TRA's UNE pricing docket, TRA docket no. 97-01262. In early February I received a copy of the revised UNE rates filed by BellSouth with the TRA and contacted Ms. Michael Willis with BellSouth and asked that those rates be applied to Access Integrated Networks, Inc. Ms. Willis informed me that, since no final order had yet been issued in the UNE pricing docket, that I could not incorporate the recently announced rates into our interconnection agreement.

FURTHER AFFIANT SAITH NOT.

  
J. Rodney Page

Sworn to and subscribed  
before me this 19th day of February, 2001

Mary T Arnold  
Notary Public

My Commission Expires: 4/6/02